

Panaji, 27th May, 1982 (Jyaistha 6, 1904)

SERIES I No. 9

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

EXTRAORDINARY

GOVERNMENT OF GOA, DAMAN AND DIU

Home Department (General)

ORDER

13/1/82-HD(G)

In exercise of the powers conferred by clause (a) of section 5 of the National Security Act, 1980 (Central Act No. 65 of 1980), the Administrator of Goa, Daman and Diu hereby makes the following Order, namely :—

1. *Short title and commencement.*— (1) This Order may be called the Goa, Daman and Diu Conditions of Detention Order, 1982.

(2) It shall come into force at once.

2. *Definitions.*— In this Order, unless the context otherwise requires, —

(i) "Act" means the National Security Act, 1980 (65 of 1980);

(ii) "Detaining Authority" means the Administrator of Goa, Daman and Diu or any officer specified by him under sub-section (3) of section 3 of the Act;

(iii) "Government" means the Government of Goa, Daman and Diu;

(iv) "Health Officer" means the Government Health Officer of the area in which the security prisoner is detained;

(v) "Inspector General" means the Inspector General of Prisons, Goa, Daman and Diu;

(vi) "Section" means a section of the Act;

(vii) "Security Prisoner" means a person with respect to whom a detention order is made by the detaining authority;

(viii) "Superintendent" means the person in charge of the jail or sub-jail in which the security prisoner is detained;

(ix) "Superintendent of the Hospital" means the person in charge of the Government Hospital or Health Centre.

3. *Place of detention.*— A security prisoner shall be detained in a jail or a sub-jail.

4. *Transfer of Security prisoners.*— (1) Any security prisoner may be removed from a Jail, sub-jail as the case may be,

(a) to any hospital or health centre for medical examination or treatment or for admission as indoor patient if in the opinion of Inspector General or the Superintendent, it is necessary to do so for the reasons of health of such prisoner;

(b) to a Criminal court in the Union territory of Goa, Daman and Diu, if such court requires the attendance of such Security prisoner for answering a charge of a Criminal offence in any proceeding against him;

(c) to any Civil or Criminal Court in the Union territory of Goa, Daman and Diu for giving evidence in any case pending before it.

(2) No security prisoner shall be removed under item (c) of sub-clause (1) unless previous permission of the Government has been obtained which shall be refused if the Government think it necessary to do so in the interest of public order.

5. *Accommodation.*— (i) Where a security prisoner is detained in a Jail or a Sub-jail, he shall be kept in a Cell or associated ward.

(ii) security prisoners shall be allowed to communicate with each other provided that the Inspector General or the Superintendent may, if he considers it desirable to do so on the ground of health of the Security prisoner or for any other reason, confine security prisoners separately. Security prisoner shall, as far as possible, be kept separate from other kind of prisoners.

6. *Diet and clothing.*— (i) Security prisoner shall be given diet and clothing on the same scales as are prescribed for convicts according to jail rules and regulations framed under Prisons Act, 1894 (Central Act 9 of 1894), and applicable to prisons in the Union territory of Goa, Daman and Diu.

(ii) The security prisoner may be permitted to supplement his/her food from outside once a week at his own expenses subject to usual checks by the jail authorities.

7. *Tasks.*—Security prisoner may be assigned task by the Superintendent with due regard to their state of health, age, physical and medical capacity, character, education and antecedents and may receive remuneration for his work at such rates as allowed according to jail regulation.

8. *Searches.*—Security prisoner and the room, ward, or cell in which he is accommodated shall be searched not less than once a week, but may be searched often or at any time if the Inspector General or Superintendent considers it necessary. A security prisoner shall also be searched immediately after admission and thereafter before and after every interview with any person other than a police officer. Special precautions shall be taken to make the searches thorough and the fact that the search has been made shall be noted in the report book of the officer making the search. The search shall be made by a Jailor, Jail Guard or such other officer as may be authorised in this behalf by the Inspector General or the Superintendent.

9. *Interviews.*—(i) Except on the written permission of the Superintendent, no security prisoner shall be permitted to have an interview with any person other than a Police Officer.

(ii) The application for interview from persons other than police officers shall be made to the Superintendent in Form "A" appended hereto.

(iii) The time, place and duration of each interview shall be informed to the applicant by the Superintendent.

(iv) If the interview is refused, the Superintendent shall report the matter to the Administrator of Goa, Daman and Diu, through the Inspector General.

(v) The number of interviews shall not ordinarily exceed one in a week in case of a Security prisoner detained in a jail or a sub-jail.

(vi) Not more than three visitors shall be allowed to remain present simultaneously at any one interview, except in case of near relatives it may be increased to five.

(vii) Every interview shall be in the presence of an officer attached to the place of detention who may terminate it at any time, if in his opinion the conversation is detrimental to the public interest or safety.

(viii) Future interview may be prohibited if interviews are published, and warning to that effect shall be given to the Security prisoner at the close of the interview by the officer present at the time of interview.

(ix) A Legal Adviser of the security prisoner may be granted interviews in connection with a contemplated legal proceeding. The interview with Legal Adviser shall not be heard by any officer. The interview also may be granted to Legal Adviser if the security prisoner wants to make representation under section 8 of the Act.

(x) A security prisoner may be allowed Special interviews for settlement of his/her business or

professional affairs within a period of two months from the date of his/her detention.

(ix) A security prisoner may be permitted to have interview with his/her election agent, if he/she wishes to contest any election, twice a week until the date of Election.

10. *Police interview, Photograph and Finger Prints.*—(i) The detaining authority may by general or special order authorise Superintendent to have interviews with security prisoner.

(ii) The Superintendent or any police officer so authorised may take photograph and finger prints and take specimens of signature and handwriting of a security prisoner.

11. *Books and Newspapers.*—(i) A security prisoner may be allowed to read books and periodicals if available at the place of detention.

(i) A Security prisoner may be allowed access to standard newspapers in the prison at Government cost and others approved by the Government, at his own cost.

12. *Correspondence and Censorship.*—(i) A security prisoner shall ordinarily be permitted to write one letter and receive one letter per month.

(ii) All letters to and from a security prisoner shall be censored by the Inspector General or the Superintendent as the case may be. If in the opinion of the Inspector General or the Superintendent, the despatch or delivery of a letter is likely to be detrimental to the public interest or safety or the discipline of the place of detention, he shall either withhold such letter or despatch or deliver it after deleting any objectionable portion therefrom. In respect of the censoring of letters of a security prisoner, the Inspector General or the Superintendent as the case may be shall comply with any general or special instructions issued by the Administrator of Goa, Daman and Diu, if any.

(iii) Every letter forwarded to or from any security prisoner shall be initialled and dated by the officer who handled the letter.

(iv) In all cases in which a letter or a telegram is withheld, the security prisoner shall be informed of the fact of such withholding.

(v) When the telegram is to or from Government, it shall be forwarded direct, provided that if the telegram is to or from the Central Government, it shall be sent through the Government of Goa, Daman and Diu.

(vi) A security prisoner shall attach to all his outgoing letters and telegrams a slip containing the full name and address and relationship of the addressee and of such person mentioned in the letter or telegram.

vii) The Inspector General or the Superintendent, as the case may be, shall have discretion to decide in the case of a petition submitted in telegraphic form whether it should be forwarded by telegraph or by post.

(viii) A security prisoner who is Member of Parliament or Union territory Legislature shall be allowed direct correspondence with the Presiding Officer of the House without being censored.

Provided he is a sitting member having been administered an oath as required by the Constitution.

(ix) A security prisoner may be allowed to correspond with another security prisoner in another place of detention on condition that such correspondence is limited to personal and private matters.

(x) The receipt and despatch of telegrams by a security prisoner shall be subject to the same control as is hereinbefore provided for letters except that the number of telegrams which may be despatched by a security prisoner shall be within the discretion of the Inspector General or the Superintendent.

13. *Petitions.* — Any petition made to the Court or representation which a security prisoner may submit shall expeditiously be forwarded to the addressee direct. If the petition is addressed to the Judicial Commissioner, it shall be sent to the Registrar, Judicial Commissioner's Court Panaji in sealed envelope. The copy of the petition shall be sent to the Administrator of Goa, Daman and Diu whenever the officer concerned considers it necessary to do so.

14. *Discipline and punishment for breaches of discipline.* — A security prisoner shall, for the purposes of discipline and punishment for breaches of discipline be subject, as if he was convicted prisoner as per provisions of the Prisons Act, 1894 (Central Act 9 of 1894) and the rules made thereunder.

15. *Medical Attendance.* — A Security prisoner shall be medically examined every week by a Medical Officer of the Jail and monthly report on his physical condition shall be submitted to the detaining authority and the Inspector General.

16. *Safety.* — (i) Unless prohibited on the ground of safety, a security prisoner may be allowed to have shaving equipments, clothes, bedding, utensils and soap of his own.

(ii) If a security prisoner has no such equipments, he may be allowed to have services of a Jail barber as per jail regulations.

(iii) The female security prisoner shall be allowed to retain glass bangles and if married the Mangal Sutra (Black necklace).

17. *Smoking and Tobacco.* — A Security prisoner may be permitted to smoke or chew tobacco or to do both at his own expenses provided that either or both the privileges shall be liable to be withdrawn if abused.

18. *Games.* — (i) Whenever accommodation permits, a security prisoner, may be permitted by Superintendent to play indoor games like cards at his own expense and inexpensive games like ring tennis at Government expense.

(ii) A security prisoner may be permitted to play chess, draughts and carrom at his own expense.

19. *Conveyance arrangements.* — (i) No special arrangement shall be made for a security prisoner during transport from one place of detention to another and the mode of transport shall be the same as ordinarily employed for transporting convicts.

(ii) Whenever a security prisoner is released, he shall be paid the cost of journey to the place from where he is arrested.

20. *Handcuffing.* — (i) A security prisoner shall be handcuffed or bound while being escorted from one place to another if the Superintendent so directs in writing.

(ii) Notwithstanding anything contained in clause (i), a security prisoner may be handcuffed or bound by the officer-in-charge of the escort if he has reason to believe that the security prisoner will use violence or attempt to escape or an attempt will be made to rescue him.

21. *Maintenance of Registers.* — All particulars relating to security prisoners shall be entered in a separate register (with serial numbers) and returns of statistics relating to them shall be submitted to the Government as far as may be on the lines of jail returns by the Superintendent.

22. *Power to withdraw concessions.* — The Administrator of Goa, Daman and Diu may, by general or special Order, withhold any of the concessions or facilities provided by or under any of the provisions of this Order in respect of any security prisoner and for such period or periods, as the Administrator of Goa, Daman and Diu may, from time to time specify.

By order and in the name of the Administrator of Goa, Daman and Diu.

Balaji Counto, Joint Secretary.

Panaji, 25th May, 1982.

FORM "A"

Form of application for interview

[Vide clause 9 (ii)]

Name of security prisoner to be interviewed: —

Name of the applicant: —

Relationship of the applicant to the security prisoner to be interviewed: —

Full address of the applicant: —

Purpose for which the interview is desired: —

Date

Hour

A. M./P. M.

Signature of the applicant.

Law Department (Establishment)

Office of the Chief Electoral Officer.

Notification

3-4-79/Elec-Vol-I

The following Notifications No. 56/82-III dated 1-5-1982 and No. 56/82-IV dated 4-5-1982 issued by the Election Commission of India, New Delhi is hereby published for general information.

K. C. Johorey, Chief Electoral Officer.

Panaji, 18th May, 1982.

Election Commission of India

New Delhi, Dated 1st May, 1982

Vaisakha 11, 1904 (Saka)

Notification

S. O. — Whereas in pursuance of the provisions of paragraph 6 read with paragraph 7 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission of India had reviewed the poll performance of various political parties on the basis of the results of the General Elections to the House of the People held in 1980 and the General Elections held in 1979 and 1980 to the Legislative Assemblies of certain States and Union Territories;

And whereas, as a result of the said review, the Commission had decided to de-recognise and de-register the 'Hill State Peoples' Democratic Party' which was until then a recognised State Party under paragraph 6 of the Symbols Order referred to above in Meghalaya;

And whereas the said Organisation has since represented to the Commission for restoration of its registration and recognition under the Symbols Order referred to above, explaining the circumstances in which it could not contest the Lok Sabha general election in 1980 in view of the peculiar situation obtaining in Meghalaya State at that time and also the reason why it could not reply to the Commission's show cause notice as to why it should not be derecognised;

And whereas, the Commission has heard the representatives of the said party in support of its request for restoration of recognition;

And whereas, the Commission is satisfied with the explanation furnished by the said party and the representations made during the hearing and has decided to restore the registration and recognition to the said party in Meghalaya under the name and style 'Hill State Peoples' Democratic Party' and also restore to the party the election symbol 'Lion' reserved for it earlier.

Now, therefore, in pursuance of paragraphs 3, 4, 5, 6, 7 and 8 and clause (b) of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 and paragraph 18 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following amendment to its notification No. 56/82, dated the 8th April, 1982, published in the Gazette of India, Extraordinary, Part II, Section 3(iii), on the 12th April, 1982, as amended from time to time, namely —

In Table 2 of the said notification, against the State of 'Meghalaya' referred to under column 1, the following entries shall be substituted for the existing entries under columns 2 and 3 of the said table: —

1. All Party Hill Leaders' Conference — Flower
2. Hill State Peoples' Democratic Party — Lion
3. Public Demands Implementation Convention — Spade

The above amendment shall be deemed to have come into effect with effect from the 8th April, 1982.

[No. 56/82-III]

By order,
(K. GANESAN)

Secretary to the Election Commission of India.

Election Commission of India

New Delhi, Dated the 4th May, 1982

Vaisakha 14, 1904 (Saka).

Notification

S. O. — In exercise of the powers conferred by rules 5 and 10 of the Conduct of Elections Rules, 1961, and clause (d) of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 and paragraph 18 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following further amendments to its notification No. 56/82, dated 8th April, 1982, published in the Gazette of India, Extraordinary, Part II, Section 3(iii), dated the 12th April, 1982 as amended from time to time which shall be deemed to have been made with effect from 17th April, 1982, namely —

IN TABLE 4 appended to the said notification

- (1) against item 5. Haryana mentioned in column 1, insert the following entries in column 2 of the said Table —

- "20. Eagle about to fly
21. Horse
22. Lock and Key
23. Drum."

- (2) against item 6. Himachal Pradesh mentioned in column 1, insert the following entries in column 2 of the said Table —

- "10. Ladder
11. Cart
12. Camel
13. Umbrella
14. Pitcher
15. Cock
16. Horse and Rider
17. Cultivator winnowing grain
18. Drum
19. Eagle about to fly
20. Elephant

The above amendment shall remain in force only in respect of general elections to State Assemblies of Haryana and Himachal Pradesh being held in pursuance of notifications issued on the 17th April, 1982.

[No. 56/82-IV]

By order,
C. L. ROSE
Under Secretary